



# House of Representatives

General Assembly

**File No. 368**

*January Session, 2005*

Substitute House Bill No. 6701

*House of Representatives, April 14, 2005*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ACCESS TO HOUSING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) No zoning regulation shall treat the following in a manner  
4 different from any single family residence: (1) Any community  
5 residence [which] that houses six or fewer mentally retarded persons  
6 and necessary staff persons and [which] that is licensed under the  
7 provisions of section 17a-227, [or] (2) any child-care residential facility  
8 [which] that houses six or fewer children with mental or physical  
9 disabilities and necessary staff persons and [which] that is licensed  
10 under sections 17a-145 to 17a-151, inclusive, or (3) any community  
11 residence that houses six or fewer persons receiving mental health or  
12 addiction services and necessary staff persons paid for or provided by  
13 the Department of Mental Health and Addiction Services and that has

14 been issued a license by the Department of Public Health under the  
15 provisions of section 19a-491, if a license is required.

16 (b) Any resident of a municipality in which such a community  
17 residence or child-care residential facility is located may, with the  
18 approval of the legislative body of such municipality, petition (1) the  
19 Commissioner of Mental Retardation to revoke the license of such  
20 community residence on the grounds that such community residence  
21 is not in compliance with the provisions of any statute or regulation  
22 concerning the operation of such residences, [or ] (2) the Commissioner  
23 of Children and Families to revoke the license of such child-care  
24 residential facility on the grounds that such child-care residential  
25 facility is not in compliance with the provision of any general statute  
26 or regulation concerning the operation of such child-care residential  
27 facility, or (3) the Commissioner of Mental Health and Addiction  
28 Services to withdraw funding from such community residence on the  
29 grounds that such community residence is not in compliance with the  
30 provisions of any general statute or regulation adopted thereunder  
31 concerning the operation of a community residence.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2005	8-3e
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**Statement of Legislative Commissioners:**

In section 1(a)(3), the phrase "and that has been issued a license by the Department of Public Health under the provisions of section 19a-491, if a license is required" was added for consistency with the general statutes.

**PD** Joint Favorable Subst.-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>
Dept of Mental Health and Addiction Services	GF – See Below

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Various	Revenue Loss	Potential	Potential

### ***Explanation***

This bill allows certain community residences operated by or paid for by the Department of Mental Health and Addiction Services (DMHAS) to be treated no differently than single family homes for purposes of zoning regulations. This may allow DMHAS to more easily transfer clients from more expensive institutional treatment to community settings. However, given current demand for services at DMHAS facilities, this is unlikely to reduce capacity of nor the resources required by these facilities.

Certain municipalities exempt non-profit operations from being subject to property taxes. DMHAS currently contracts extensively with private non-profits to provide services in the community. To the extent that this bill causes a property on which real estate taxes are currently assessed to become a non-profit or state owned property on which real estate taxes are not assessed, a revenue loss to certain municipalities may result.

In a case in which the state purchases property and operates a facility on a property on which real estate taxes had previously been assessed, the effected municipality would become eligible for a payment in lieu of taxes (PILOT), which reimburses towns for 45% of

the tax loss for state owned property. Under current law, if the appropriation is insufficient to fully fund the PILOT, grants are reduced on a pro rata basis. Thus all other PILOT reimbursements to towns would be reduced proportionately.

**OLR Bill Analysis**

sHB 6701

**AN ACT CONCERNING ACCESS TO HOUSING****SUMMARY:**

This bill requires zoning regulations to treat community residences for people receiving mental health or addiction services no different from single-family homes if (1) they house no more than six people plus necessary staff; (2) the Department of Mental Health and Addiction Services pays for the services and staff; and (3) the Department of Public Health (DPH) issued them a license, if they needed one. DPH licenses privately operated residential care homes and mental health and substance abuse treatment facilities.

Existing law has parallel provisions for community residences for people with mental retardation and child care facilities for children with mental or physical disabilities.

The law provides grounds for petitioning the licensing agencies to revoke the facilities' licenses. The bill allows town residents to petition the mental health and addiction services commissioner to stop funding these homes if they fail to comply with the statutes or regulations governing the way community residences are operated. These include the statute that sets distance and local capacity standards for establishing group homes. As with petitions regarding the other types of homes, residents cannot submit the petition without their local legislative body's approval.

EFFECTIVE DATE: July 1, 2005

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Report

Yea 14      Nay 4